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GIBRALTAR

Working paper prepared by the Secretariat

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GIBRALTAR 1/

I. GENERAL

1. Gibraltar is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the Strait of Gibraltar to the south. According to the United Kingdom of Great Britain and Northern Ireland, the area of Gibraltar is 5.86 square kilometres, and according to Spain, it is 4.8 square kilometres.

2. According to the census of Gibraltar taken on 14 October 1991, Gibraltar's civilian population in 1991 was 28,074, consisting of 20,022 Gibraltarians, 5,182 other British subjects, including families of British servicemen stationed in Gibraltar, but excluding servicemen, and 2,870 aliens.

II. POLITICAL DEVELOPMENTS

A. General

3. Detailed information on the Territory's constitution, general elections, public service and other related developments is contained in the previous working paper on Gibraltar prepared by the Secretariat in 1994 (A/AC.109/1195).

B. Recent developments

4. According to press reports, in 1994, the Minister of State for the Armed Forces of the United Kingdom, Mr. Nicholas Soames, visited Gibraltar. 2/ On 7 July 1994, the British Forces, Gibraltar, issued the following press release:

> "The study into the future composition of the Ministry of Defence presence on the Rock, as a result of last year's policy review announced in September by the Commander British Forces, has been approved by the Secretary of State for Defence. The 1993 policy review determined that the United Kingdom's defence requirements and interests in Gibraltar needed five core functions. These are the continued presence of Windmill Hill Signal Station and the Maritime Data Centre, the nuclear warship berthing facilities, access to the airfield, the retention of the Gibraltar Regiment in its present form and the headquarters and supporting infrastructure for the North Atlantic Treaty Organization (NATO) and national roles of the Commander British Forces. In addition it has been decided to maintain ammunition and fuel storage facilities. The Gibraltar Regiment, together with the naval and Royal Air Force single service elements, will assume responsibility for the day to day administration of all servicemen. In future the Garrison will be supported by a single logistic unit. The Gibraltar Logistic Unit will be formed next month from the Gibraltar Supply and Transport Unit and the Families Housing Organization. During the following year it will incorporate the Gibraltar Engineering and Maintenance Unit and the Commander of the Port's Department. The current,

well known, Management Plan seeks to reduce service and civilian levels from about 900 servicemen and women and 1,250 civilians today, to about 700 and 950, respectively, by mid 1997. The results of the review being announced today do not change these figures. From mid-1997, the Garrison will reduce further so that by mid-1999 about 500 servicemen and women will be employed in Gibraltar. In the same time-scale, mid-1997 to mid-1999, the directly employed Ministry of Defence civilian workforce will reduce to between 350 and 700. The precise number will depend on the amount of work transferred from the Ministry of Defence into the Gibraltar civilian market. As is already the case any reductions in civilian manpower will be phased to avoid flooding the job market, and where employees are made redundant every effort will be made to retrain and resettle them. The recently formed Joint Economic Forum is a very important first step. For its part, the Ministry of Defence is already looking at ways to help the workforce prepare themselves for future alternative employment. Rear Admiral Jeremy Sanders hopes very much that all parties will be able to work together to achieve these inevitable reductions as smoothly as possible."

III. ECONOMIC CONDITIONS

A. General

5. Gibraltar has no known natural resources and lacks agricultural land. The industries, trades and services in the Territory are mainly involved in supplying the needs of its population and of the large number of visitors to the Territory. The economy of Gibraltar is largely dependent on tourism and the provision of financial services such as banking, insurance, shipping and portfolio management.

6. According to the administering Power, the Territory's per capita gross domestic product for the 1991/92 fiscal year was estimated at £10,625, compared with £8,271 in 1989/90 and £8,486 in 1990/91.

B. Public finance

7. The report of the administering Power indicates that in 1991/92, revenue totalled £87.2 million and expenditure amounted to £50.1 million.

8. At 31 March 1992, the public debt of Gibraltar stood at £87.4 million.

9. The legal tender of the Territory is the pound sterling. The notes in circulation as at 31 March 1992 amounted to £12.6 million.

C. Trade

10. The total amounts of imports and exports in 1992 were £327.5 million and £93.0 million, respectively. Exports of goods of local origin remained negligible and the Territory continued to depend on the entrepôt trade,

consisting of re-exports of petroleum and petroleum products supplied to shipping. Approximately 33 per cent of Gibraltar's non-fuel imports originated in the United Kingdom. Japan, Spain and Denmark were the Territory's other main sources of supplies. In 1992, foodstuffs accounted for approximately £36 million, or 11 per cent of Gibraltar's total imports.

D. Investment, finance and banking

11. Detailed information on investment, banking and financial institutions in the Territory is contained in the previous working paper on Gibraltar prepared by the Secretariat in 1994 (A/AC.109/1195).

E. Transportation, communications and utilities

12. Detailed information on transportation, communications and utilities in the Territory is contained in the previous working paper prepared by the Secretariat in 1994 (A/AC.109/1195). Updated information on the subject is set out below.

13. At 31 December 1992, a total of 34,177 vehicles were registered in the Territory, an increase from 30,319 vehicles registered a year before.

14. In 1992, a total of approximately 88,000 persons arrived in the Territory by air and 92,000 by sea (compared with 97,000 and 64,000, respectively, in 1991). Gibraltar Airways maintains daily scheduled services to the United Kingdom and to Morocco.

15. In 1992, the digital telephone system and exchange had a capacity of 24,000 lines, compared with 14,000 lines in 1990. The total number of telephone stations equalled 18,544 in December 1992, an increase of 667 over 1991.

16. The Electricity Department of the Government of Gibraltar continued to be responsible for the electricity supply of the Territory. During the period under review, a total 98,861,760 of kilowatt-hours were generated.

17. At the end of 1992, there were 8,198 licensed television sets in Gibraltar, compared with 7,898 sets in 1991.

IV. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

18. At December 1991, the last year for which data are available, the workforce in Gibraltar totalled 14,581 and the total number of unemployed stood at 1,061. Unemployment benefits were paid out of the Social Insurance Fund. Since 1978, public sector wages and salaries have been equated at full parity with those in the United Kingdom.

B. Human rights and the status of women

19. The Gibraltar (Constitution) Order of 1969 guarantees the protection of the fundamental rights and freedoms of the individual and the maintenance of a Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and with such jurisdiction and powers as are conferred upon it by the Constitution of Gibraltar, or any other law.

20. The courts of law of the Territory consist of a Court of First Instance, a Magistrates' Court, a Court of Appeal and a Supreme Court. The Substantive Law of the Territory is contained in Orders in Council and enactments of the Parliament of the United Kingdom that apply to Gibraltar, as well as in locally enacted ordinances, subsidiary legislation, the common law and the rules of equity in force in the United Kingdom, so far as they are applicable to the Territory.

21. The status of women in Gibraltar, whether married or single, and with or without family responsibilities, is similar to that enjoyed by women in the United Kingdom. The Social Security (Insurance) Ordinance of Gibraltar provides for the payment of a variety of benefits and allowances to expectant mothers and widows.

C. Crime and crime prevention

22. According to the administering Power, during 1992, the last year for which data are available, 1,015 minor and 3,745 serious crimes were reported, compared with 1,188 and 3,605, respectively, in 1991. The serious crimes were as follows (with 1991 figures given in parentheses): theft, 1,452 (1,485); criminal damage, 726 (705); dangerous drugs, 613 (527); violence against individuals, 468 (437); burglary, 315 (294); sexual offences, 20 (30); robbery, 15 (12); and other offences, 136 (115). The reported increase in illicit trafficking from and via Gibraltar was a matter of concern. 3/

23. There is one correctional institution in Gibraltar. The supervision of the prison is carried out by the Prison Board in accordance with the Prison Ordinance of the Territory.

D. Environment

24. The 1973 Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora has been extended to apply to Gibraltar as a dependent Territory for which the United Kingdom, a signatory to the Convention, has responsibility. The Endangered Species (Imports and Exports) Ordinance of 1976 gave effect in the Territory to the provisions of the Washington Convention. The Animals and Birds Ordinance protects fauna in the Territory and the Heritage Trust Ordinance provides for the protection of sites of natural beauty and scientific interest.

E. Housing

25. Overcrowding continues to be considered a major social problem in the Territory. According to the 1991 population census, Gibraltar had an average population density of 45.8 persons per hectare, excluding servicemen, visitors and transients. It has been estimated that 14 per cent of the housing stock is overcrowded.

F. Public health

26. The state of health and nutrition is reported to be good and to comply with the standards expected in developed countries. There have been no outbreaks of epidemic or endemic diseases. The principal causes of death are cardiovascular, cerebrovascular, malignant and respiratory (excluding neoplasms) diseases.

G. Education

27. Education is free for all children up to "A" level standard and is compulsory for those between 5 and 15 years of age. In 1992, 4,681 pupils were enrolled in the government schools. The expenditure on public education in 1991/92 totalled £10.2 million.

V. ACTION BY THE GENERAL ASSEMBLY

28. The Special Political and Decolonization Committee (Fourth Committee) of the General Assembly considered the question of Gibraltar at its 3rd, 5th, 10th and 13th meetings, between 11 and 28 October 1994.

29. At the 3rd meeting, on 11 October, with the Committee's consent, Mr. Joe Bossano, Chief Minister of Gibraltar, made a statement in which he said that it was not possible to decolonize Gibraltar unless its decolonization reflected the democratically expressed wishes of the inhabitants of the Territory. He emphasized that Gibraltar did not wish to find itself, in the year 2000, the one remaining colonial Territory preventing the fulfilment of the resolution of the General Assembly calling for the total eradication of colonialism by the start of the twenty-first century and called upon the Committee to support Gibraltar so as to ensure that that state of affairs did not arise (A/C.4/49/SR.3, paras. 19 and 24).

30. At the 5th meeting of the Committee, on 12 October 1994, the representative of the United Kingdom stated that the United Kingdom's record on decolonization was a good one and had been well documented. His Government continued to take seriously its obligations under the Charter of the United Nations to develop self-government in its dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continued to meet the wishes of their peoples. Each of the dependent Territories held regular and free elections at which all parties could advocate whatever constitutional proposals they wished. His Government also took seriously its obligations towards the economic needs of its dependent

Territories. Many elected Governments in the United Kingdom dependent Territories expended considerable effort to attract foreign investment, recognizing its benefits. He welcomed the acknowledgement that the people of the Non-Self-Governing Territories should decide their future status, and that attention should be paid to the specific needs of those Territories (A/C.4/49/SR.5, para. 5).

31. At the same meeting, the representative of Spain, stated that the reintegration of Gibraltar into Spain had the full support of Spanish political forces, regardless of ideology. The decolonization of Gibraltar was not a question of self-determination but rather of the re-establishment of a State's territorial integrity. His Government was not alone in taking that position which, in accordance with the principles of General Assembly resolution 1514 (XV) of 14 December 1960, had been clearly established also by successive Assembly resolutions. Year after year, the Assembly had invited the Governments of Spain and the United Kingdom to negotiate an end to that colonial situation and Spain fully intended to continue to do so, on the basis of the Brussels Declaration endorsed by both parties on 27 November 1984 (A/39/732, annex). Even though the issue of self-determination was not involved, the Spanish authorities took full account of the legitimate interests of the population of Gibraltar. They desired Gibraltar's prosperity and progress on the basis of a sound economy, in which contraband activities and illicit trafficking would have no part, although they were currently tolerated by the local authorities and ignored by the administering Power. Spain also hoped that the representatives of the population would return to the negotiating process, which they themselves had chosen to abandon in 1988, for it was the appropriate framework for making their points of view known (A/C.4/49/SR.5, paras. 8 and 9).

32. At the 10th meeting, on 26 October, the Chairman of the Committee drew attention to a draft consensus on the question of Gibraltar submitted by him and contained in document A/C.4/49/L.6 (see A/C.4/49/SR.10).

33. At its 13th meeting, on 28 October, the Committee adopted draft decision A/C.4/49/L.6 without objection (A/C.4/49/SR.13).

34. On 9 December 1994, the General Assembly, on the recommendation of the Committee, adopted the following text without a vote as representing the consensus of the members of the Assembly (decision 49/420):

> "The General Assembly, recalling its decision 48/422 of 10 December 1993 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 stipulates, inter alia, the following:
>
> > 'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to

honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and of the United Kingdom of Great Britain and Northern Ireland hold annual meetings alternately in each capital, the most recent of which took place at Madrid on 1 March 1993, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

VI. CONSIDERATION BY THE SPECIAL COMMITTEE

35. The Special Committee considered the question of Gibraltar at its 1433rd meeting, on 12 July 1994.

36. At the same meeting, with the Special Committee's consent, Mr. Joe Bossano, Chief Minister of Gibraltar, made a statement in which he said the following (A/AC.109/PV.1433, p. 3):

"The position of my Government ... has been that it is impossible to have decolonization without self-determination. Decolonization does not take place until the exercise of self-determination by the native population of the colonial Territory has manifestly and independently been given effect."

37. At the same meeting, the representative of Spain reiterated the position of his Government on the question of Gibraltar (A/AC.109/PV.1433, pp. 24-25).

38. Also at its 1433rd meeting, the Special Committee decided without objection to continue its consideration of the item at its next session, subject to any directives the General Assembly might give at its forty-ninth session. The Committee also decided to transmit the relevant documentation to the Assembly in order to facilitate consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

VII. FUTURE STATUS OF THE TERRITORY

39. In his address to the General Assembly on 30 September 1994, Mr. Javier Solana Madariaga, Minister for Foreign Affairs of Spain, stated (A/49/PV.12):

"The decolonization of Gibraltar is a priority goal of the Spanish Government. The General Assembly has clearly established the doctrine that the decolonization of Gibraltar is a case not of self-determination but of the restoration of Spain's territorial integrity. I wish here to reiterate the Spanish Government's firm resolve to continue the process of negotiation with the Government of the United Kingdom, in a constructive spirit and on the basis of the Declaration of Brussels of 27 November 1984, taking duly into account the legitimate interests of the population. The

Government of Spain expresses its profound hope that these negotiations will put an end to this colonial anachronism."

40. It will be recalled (see A/AC.109/1195, para. 31) that on 20 April 1994, the Congress of Deputies of Spain unanimously adopted the following resolution:

"The Congress of Deputies calls on the Government to take all the actions necessary to recover the exercise of Spanish sovereignty over Gibraltar and eliminate the British colonial presence."

41. Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, made no reference to Gibraltar in his address to the General Assembly on 28 September 1994 (see A/49/PV.8). However, the Foreign and Commonwealth Office issued the following statement in London on 30 September 1994:

"In view of the Spanish Foreign Minister's statement to the United Nations General Assembly on 30 September about Gibraltar, the British Government wishes to make clear that its views on Gibraltar are well known to the Spanish Government. These include Britain's commitment to the people of Gibraltar, as enshrined in the 1969 Constitution, and its commitment to the negotiating process with Spain (the Brussels process)."

42. On 20 December 1994, during parliamentary debates, Mr. A. Goodlad, Minister of State, Foreign and Commonwealth Office, reconfirmed the importance of the Brussels process with regard to the future status of Gibraltar.

Position of the Government of Gibraltar

43. On 10 January 1995, the House of Assembly of Gibraltar adopted the following motion: 4/

"This House notes that:

"1. All colonial peoples have an inalienable right to self-determination in accordance with Article 73 of the Charter of the United Nations.

"2. The elected members of the Gibraltar Legislative Council issued a unanimous statement in September 1994 stating that the soil of Gibraltar should belong to no one but the people of Gibraltar.

"3. General Assembly resolution 2734 (XXV) of 16 December 1970 makes it clear that in the event of a conflict between the obligations of Member States under the Charter and their obligations under any other international agreement, their obligations under the Charter should prevail.

"4. Article 1 of the 1976 International Covenant on Civil and Political Rights, which was extended to Gibraltar without qualification, states: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development'.

"5. The annual statements on decolonization by the European Union Presidency before the United Nations Fourth Committee explicitly recognize that all peoples have the right to self-determination irrespective of population, size or geographical location.

"6. The United Kingdom representative declared before the United Nations on 3 November 1982 that 'it is not acceptable that our clear obligations towards the Falkland Islands under Article 73 of the Charter should be smudged and blurred into an off-hand phrase about taking their interests only into account'. What a far cry from a clear affirmation of the principle of self-determination enshrined in the Charter and in the practice of this Organization.

"7. Like the Falkland Islanders, the people of Gibraltar wish to maintain close political, constitutional and cultural links with the United Kingdom.

"8. Her Majesty's Government has, in the case of the Falkland Islands Constitution of 1985, reflected its commitment to self-determination for the peoples of the Falkland Islands by including the following recital: 'Whereas the peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law. And whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations'. This House therefore declares that the people of Gibraltar have an inalienable right to self-determination and formally requests Her Majesty's Government to take immediate steps to amend the 1968 Gibraltar Constitution Order by Order in Council to provide an introductory paragraph to chapter 1 identical to that contained in the 1985 Falkland Islands Constitution Order."

Anglo-Gibraltarian discussions

44. During the period under review, discussions between the representatives of the administering Power and the territorial Government continued. Among the issues discussed during those talks were the following: future political status of Gibraltar; Gibraltar's status in the European Union; constitutional developments in the Territory; economic and social advancement of Gibraltar; and problems of crime and crime prevention.

Anglo-Spanish negotiations

45. The negotiating process established by the Brussels joint communiqué of 27 November 1984 continues. The latest round of negotiations was held in London in December 1994. The joint statement by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs and the Minister for Foreign Affairs of Spain issued on 20 December 1994 at the London round of negotiations is reproduced below:

"The British Foreign Secretary, Douglas Hurd, and the Spanish Foreign Minister, Javier Solana, met in London on 20 December 1994 under the terms of the Brussels Agreement of 1984. They reaffirmed their commitment to the Brussels process. They agreed on the importance of Gibraltar developing a sustainable economy. They recognized that there was a problem of illegal trafficking, in particular in drugs, in the Gibraltar area and agreed on the need to establish an effective mechanism, which should include the competent local authorities, to improve consultation and cooperation. On the basis of normal and regular movement between Gibraltar and the neighbouring territory, and in a spirit of cooperation, they will review progress towards agreeing on such a mechanism in the new year."

46. In accordance with the above-mentioned decisions, Anglo-Spanish negotiations continued with the participation of the Government of Gibraltar. Meetings were held at Seville, Spain, on 26 January 1995 and in London on 27 April 1995.

Airport Agreement

47. As previously reported, according to the administering Power and subject to the necessary legislation being put in place, the United Kingdom and Spain agreed to the development of the Gibraltar airport jointly coordinated by the British and Spanish authorities. The British Government had made clear at the time that they would not impose it on Gibraltar if the latter did not wish to implement it (see also A/AC.109/1007, paras. 22 and 23; A/AC.109/1074 and Corr.1, paras. 17-23; and A/AC.109/1195, paras. 33-35).

48. During the period under review, there have been no further developments. Both parties maintained their positions on the question of the implementation of the Agreement.

Notes

1/ The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 24 September 1994.

2/ The Gibraltar Chronicle, 8 and 11 November 1994.

3/ Financial Times, 5 July 1994; Area 18, 28 February and 27 April 1995; Gibraltar Chronicle, 7 April 1995; El Periódico, 26 December 1994, and 27 January 1995; ABC, 3 June and 22 December 1994 and 22 January 1995; La Voz de Galicia, 19 January 1995; El Mundo, 24 December 1994; Expansion, 21 December 1994; Washington Times, 19 December 1994; El País, 10 May and 19 December 1994; The Independence, 14 December 1994; The Times, 15 December 1994; and The Vanguardia, 16 May 1994.

4/ The Gibraltar Chronicle, 11 January 1995.